

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-28 will be pending. By this amendment, claim 14 has been amended. No claims have been canceled or added.

**§103 Rejection of Claims 1 – 2, 6 – 7, 14 – 15, 20 – 21, and 23 – 28**

In Section 3 of the Office Action, the Examiner has rejected claims 1 – 2, 6 – 7, 14 – 15, 20 – 21, and 23 – 28 under 35 U.S.C. §103(a) as being unpatentable over Novak (U.S. Publication No. US2002/0104099 A1; hereinafter referred to as “Novak”) in view of Ellis et al. (U.S. Patent 6,774,926 B1; hereinafter referred to as “Ellis”). This rejection is respectfully traversed below.

Claim 1 calls for:

1. A method of publishing media data, comprising:  
  
accessing a media interface of a media device;  
  
capturing media data using a media capture component of said media device;  
  
storing said captured media data in a media file in storage of said media device;  
  
modifying said captured media data; and  
  
publishing said modified media data to a network server;  
  
wherein said capturing, modifying, and publishing are performed using said media interface.

Accordingly, in one aspect of claim 1, the media interface of a media device performs the capturing of media data, modifying of said captured data, and publishing of said modified data to a network server.

In Section 3 of the January 26, 2005 Office Action, the Examiner cites Novak and appears to argue that the cited portions of Novak disclose each step of the method of claim 1, except for the step of “modifying said captured media data.” (Final Office Action at pages 2 – 3.) The Examiner cites Ellis as teaching this “modifying” step. (Office Action at page 3.)

Yet Novak apparently fails to disclose other claim elements, including the requirements that the media interface of the media device not only capture data, but also modify “captured data” and publish “modified data” to a network server. The Examiner appears to recognize the missing elements at the end of page 2, wherein the Examiner states, “Novak discloses a method of publishing media data, comprising: . . . publishing said media data to a network server (Novak, page 2, [0025-[0026]) . . . wherein said capturing, and publishing are performed using said media interface (Novak, page 6, [0061] – [0062]). This citation excludes important claim language, such as “publishing said modified media data” and “wherein said capturing, modifying, and publishing are performed.” By excluding this language, the Examiner appears to recognize that Novak does not disclose a method of publishing modified data, within which said modifying occurs using “said media interface,” as required by claim 1.

Without specifically addressing these missing elements, the Examiner concludes that it would have been obvious . . . to modify the publishing system of Novak to incorporate a media editing component as disclosed by Ellis . . . .” (Office Action at page 3.) Yet this statement does not appear to explain how adding such a component would make obvious the ability of the media interface of the media device to perform all three functions of capturing media data, modifying

captured data, and publishing said modified data to a network server, as required by claim 1.

Thus, absent further explanation by the examiner, it is unclear how the disclosure of Ellis, when combined with Novak, would achieve or make obvious the required elements of claim 1.

Accordingly, it does not appear that the Examiner has established how the cited combination of Novak and Ellis, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of claim 1. Thus, it is submitted that the Examiner has not established how the cited combination of Novak and Ellis shows or suggests claim 1 as a whole.

Claims 2, 6, and 7 depend from claim 1. Thus, it is also submitted that the Examiner has not established how the cited combination of Novak and Ellis shows or suggests claims 2, 6 and 7, through their dependence on claim 1. Similar arguments apply to amended claim 14, and to claims 25 and 27. By extension, these same arguments apply to claims 15, 20 – 21, and 23 and 24 that depend from claim 14, claim 26 that depends from claim 25, and claim 28 that depends from claim 27.

Based upon the foregoing, it is submitted that claims 1 – 2, 6 – 7, 14 – 15, 20 – 21, and 23 – 28 are not anticipated by nor rendered obvious by the teachings of Novak and Ellis, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1 – 2, 6 – 7, 14 – 15, 20 – 21, and 23 – 28 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 3 – 5, and 16 – 19

In Section 4 of the Office Action, the Examiner has rejected claims 3 – 5, and 16 – 19 under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Ellis and further in view

of Pineau (U.S. Publication No. US2003/0184793 A1; hereinafter referred to as "Pineau"). This rejection is respectfully traversed below.

Claims 3 - 5 and 16 - 19 depend from one of the independent claims 1 and 14. As discussed above, it is submitted that the rejection of claims 1 and 14 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 3 - 5 and 16 - 19 has also been overcome through the dependence of these claims on one of the independent claims 1 and 14.

Based upon the foregoing, it is submitted that claims 3 - 5 and 16 - 19 are not anticipated by nor rendered obvious by the teachings of Novak, Ellis, and Pineau, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 3 - 5 and 16 - 19 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 8 – 12, and 22

In Section 5 of the Office Action, the Examiner has rejected claims 8 –12, and 22 under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Ellis, and further in view of Toyama et al. (U.S. Publication No. US 2004/0070678 A1; hereinafter referred to as "Toyama"). This rejection is respectfully traversed below.

Claims 8 - 12 and 22 depend from one of the independent claims 1 and 14. As discussed above, it is submitted that the rejection of claims 1 and 14 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 8 - 12 and 22 has also been overcome through the dependence of these claims on one of the independent claims 1 and 14.

Based upon the foregoing, it is submitted that claims 8 –12, and 22 are not anticipated by nor rendered obvious by the teachings of Novak, Ellis, and Toyama, as presented and referenced

by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 8 –12, and 22 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 13

In Section 6 of the Office Action, the Examiner has rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Novak in view of Ellis and Toyama, and further in view of Fernandez (U.S. Publication No. US 2004/0260669 A1; hereinafter referred to as "Fernandez"). This rejection is respectfully traversed below.

Claim 13 depends from independent claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 13 has also been overcome through the dependence claim 13 on claim 1.

Based upon the foregoing, it is submitted that claim 13 is not anticipated by nor rendered obvious by the teachings of Novak, Ellis, Toyama and Fernandez, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claim 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-28 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

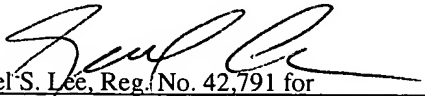
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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